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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,609	10/30/2000	Raymond Krasinski	US000284	6797

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EXAMINER

KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 06/22/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/699,609

Applicant(s)

KRASINSKI, RAYMOND

Examiner

Alford W. Kindred

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment B, filed 4/9/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Amendment B, filed on 4/9/04.

This action is made final.

Claim Rejections - 35 USC § 112

2. Claims 1, 11, and 18-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The language "said document before and after the compressing step is in a given file format", cannot be enabled since the compressing of data, in itself, is the changing of a particular format. Applicant indicates in the specification that the term "format" refers to a hierarchical structure and if that is the case, some clarification is needed in the claim language as oppose to the general term "format."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-6, 9-15, and 18-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Hind et al., US# 6,635,088 B1.

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As per claims 1-2, Hind et al. teaches "identifying said data elements in said document; compressing only said data elements in said document using a compression algorithm" (see col. 13, lines 20-49, whereas Hind's tag compression is clearly not compressed to the point where the tag is not recognizable, but the data elements are completely compressed. Therefore the tag elements allow are readable for the identification of certain parts of a compressed document as illustrated in applicant's claim language and arguments).

As per claims 3-4, Hind et al. teaches "inserts said identifier in a root node tag element" (see fig. 54-sheet 7 of 11).

As per claims 5-6, Hind et al. teaches "transmitting said compressed document" (see col. 13, lines 49-67).

As per claims 9-10, Hind et al. teaches "XML document" (see col. 14, lines 1-37).

As per claims 11-15, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-6 and are similarly rejected.

As per claims 18-21, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-3 and are similarly rejected.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-8 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hind et al. in view of Dietz, US# 6,175,820 B1.

As per claims 7-8, Hind et al. does not teach "generated in real-time by a speech recognition system." Dietz teaches "generated in real-time by a speech recognition system" (see abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention for one of ordinary skill in the art to have combined the teachings of Hind with Dietz above, because using the steps of "generated in real-time by a speech recognition system" would have given those skilled in the art the tools to convert human noise into text data corresponding to the noise. This gives users the users the ability to speak words or phrases into an electronic device and have those corresponding words and phrases converted to text data on an electronic screen.

As per claims 16-17, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 7-8 and are similarly rejected.

Response to Arguments

7. Applicant's arguments filed 4/9/04 have been fully considered but they are not persuasive.

--As per applicant's arguments regarding "it is respectfully submitted that the Examiner's focus on the position that the compression of data itself . . . the 'format' of data is related to how data is arranged in a particular file, storage . . .", examiner maintains that applicant's use of "wherein said document before and after the compressing step is in a given file format" is not enabled as set forth in the above 112

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rejection. The term "format" is well known in the art as be used to described the arrangement of data and therefore the "before and after element" of applicant's claims language is not consistence with having the same format. The same format implies that both formats include the same size, structure, and integrity. Also, the compressing of data is considered changing the format, although the structure is substantially similar, the format is changed from it's original form/format.

--As per applicant's arguments regarding "nowhere . . . the term 'format' generally refers to a hierarchical structure", examiner maintains the common term "format" is analogous to hierarchical, arrangement, structure, etc. and many other terms used to describe the alignment/arrangement of data.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

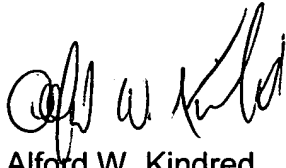
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 703-305-3802. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Alford W. Kindred', is positioned above the printed name.

Alford W. Kindred
Patent Examiner
Tech Ctr. 2100